

Appl. No. 10/663,717
Office Action mailed February 15, 2006
Response transmitted April 19, 2006

Attorney Docket 12361/224

Amendments to the drawings:

Please substitute one replacement sheet of figures attached as appendix A to this paper for Figs. 1-2 of the application. No new matter has been added to the application by amending the drawings.

The amendment adds numeral "17" to the handle 17 in Fig. 2 that is already depicted in Fig. 1. The amendment also adds numeral 21 to the un-numbered valve housing into which handle 17 is assembled.

Remarks/Arguments

1. Claims 1-12 are pending in the application. The drawings are objected to on the grounds that the drawings do not show handle 17 which is described in the specification. The specification is objected to on the grounds that the "pump (not shown)" is incorrect and on the grounds that Applicants entered new matter in the previous amendment. The claims are rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Applicants traverse the objections and rejections.

2. The handle 17 that is referred to in the objection to the drawings is seen in Fig. 1, in the upper right hand portion of the Fig. 1. Accordingly, the drawings and the application are in compliance with 37 CFR 1.84(p)(5).

The drawings are also objected to on the grounds that six limitations of the claims are not shown in the drawings.

i. The drawings depict a valve in Figs. 1-2. The valve is the unnumbered feature into which is assembled handle 17. There are two oppositely-pointed arrows indicated atop the box or valve. An amendment to the drawing adds numeral 21 to make the drawings more clear.

ii. The drawings also depict a take-up pipe 20 in several figures, including Figs. 6-8.

iii. A "swivel mounting carried by the pipe" 20 or coupling 30 is shown in Figs. 7-8 in two different rotational orientations, showing that the coupling 30 does indeed swivel.

iv. A drain pipe is shown in Figs. 1-2 at least as a coupling 11 and a downspout 10.

v. A polishing circuit, recited in Claims 8-9, is shown in several drawings. One such circuit may include return pipe 19 as well as items already claimed, such as an in-line filter 24 and take-up pipe 20, as shown in Figs. 3, 4, and 6. Claim 9 further recites a rotatably mounted tube, shown in Figs. 1-2 as tube 16.

vi. A stabilizer, recited in Claim 10, is also shown in Figs. 1-2, i.e. retainer clips 14.

Accordingly, all the items mentioned in the objections to the drawings are not missing, but are present in the drawings. The Examiner is respectfully requested to withdraw the objection to the drawings.

3. The specification is objected to on the grounds that new matter was entered in the previous amendment, specifically the addition of several words and passages, including: "primarily" in para. [0036], line 7; "switched" in para. [0032], line 10; "handle 17 thus acts as a manual switch to operate the by pass valve," in para. [0040]; and "with piping 43," para. [0041], in line 6.

i. Support for the addition of "primarily" in para. [0036] is found in Fig. 9 as filed. Paragraph [0036] describes the crumb tray 60 shown in Fig. 9. The sides 62 of the tray 60 are depicted in the figure as including solid portions, a baffle 64, and mesh, no numeral provided, and a small portion of solid material, no numeral provided, atop the mesh. Thus, the portion of the sides 62 that are not baffle 64 are mesh. Since the side consists of baffle and mesh, those portions of the side that are not baffle are mesh, with a small solid portion above the mesh likely for structural integrity of the tray. Therefore, except for baffle 64, the sides and bottom of tray 60 are primarily mesh. The structure depicted in Fig. 9 as filed provides adequate support for the addition of the word "primarily" to describe the mesh. No new matter was added by adding "primarily."

ii. Support for the addition of "switch" in para. [0032], line 10 is found at least in para. [0032] as filed and in Figs 1 and 2. Para. [0032] describes how a user rotates downspout 10 on conduit 11 to drain oil from the frying tank to the filter. The paragraph states that a user uses a handle 12 to rotate conduit 11 and downspout 10 between a down position in Fig. 1 and an extreme up position in Fig. 2. Thus, the handle is used to move the conduit from a first position to a second position, i.e., the handle is used to switch positions of the conduit and downspout. The verb switch may mean to make a shift or exchange, as in a position, in addition to a common meaning of operating an electrical switch. Merriam-Webster's Collegiate Dictionary, 10th ed. at 1193. Thus, the

downspout is rotated from up to down, or switched in position from down to up. The specification and Figs. 1-2 provide support for the addition of "or switched" as previously made. Accordingly, there is no new matter. Nevertheless, the words "or switched" are not needed for the reader to understand this passage. Therefore, Applicants have amended the paragraph again to delete the "or switched" phrase. The Examiner is respectfully requested to withdraw the objection.

iii. The addition of the sentence in para. [0040] is also objected to. Support for the added sentence is found in para. [0040] as filed and in Figs. 1 and 10. Para. 0040 describes the polishing operation of a deep fat fryer. The text as filed states that one operates handle 17 to operate a bypass valve to direct oil either in a closed circuit to polishing tube 16 or to return the oil to the cooking operation and to cooking tank 123. Lines 3-10. The paragraph thus states that when it is desired to polish the oil, one uses handle 17 to operate the bypass valve to direct the oil one way or the other. Logically, then, the handle acts as a manual switch to operate the bypass valve.

When used as a noun, the word switch may mean "a change from the usual." Merriam-Webster's Collegiate Dictionary, 10th ed. at 1193. As stated further in the paragraph, polishing using this process twice daily for about one half hour has been found to dramatically lengthen the cooking time on a batch of oil. Lines 10-12. Thus, by changing the path of the oil from the usual, back to the cooking tank, and instead polishing, the oil lifetime is increased. This paragraph as filed, and Figs. 1 and 10, provide support for the added sentence, "Handle 17 thus acts as a manual switch to operate the by pass valve." Accordingly, adding the sentence adds no new matter to the application.

Nevertheless, to expedite prosecution, the sentence has been amended to recite "Handle 17 thus acts to operate the by pass valve 21," adding the numeral which was added to Figs. 1-2. The Examiner is respectfully requested to withdraw the objection.

iv. The addition of the phrase, "with piping 43" in para. [0041] is also objected to on new matter grounds. Support for the addition is found in para. [0033] as filed, lines 3-5, which state that "Coupling 22 then is mounted at the end of the pipe (not

shown) which is controlled by a pump (not shown)." This passage states that coupling 22 is connected to a pipe and then to the pump. As seen in Figs. 1-2, coupling 22 is below the selector handle 17. The pump 47 which was added in the previous amendment to Fig. 10 is connected by piping 43, as stated in paragraph [0033] as filed. Therefore, no new matter was added in adding the phrase "with piping 43," and the Examiner is respectfully requested to withdraw the rejection for new matter.

The specification is also objected to on the grounds that "pump (not shown)" in paragraph [0033] is incorrect. An Amendment has been made to paragraph [0033], adding numerals for the pump and the pipe, to correct this mistake and a similar mistake concerning a "pipe (not shown)." These mistakes do not appear in the Abstract of the Disclosure, but in paragraph [0033]. The Examiner is requested to withdraw objections in view of the amendments made to paragraph 0033].

4. Claims 1-12 are rejected under 35 U.S.C., § 112, first paragraph, for failing to comply with the written description requirement. The rejection states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors had possession of the invention at the time the application was filed. The rejection does not cite any particular passage of any of Claims 1-12.

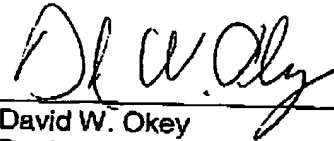
In an interview with Examiner Simone on April 19, 2006, the undersigned and Examiner Simone discussed the specification and the drawings. The Examiner stated that the Section 112 rejection for written description was meant to indicate that the written description as amended contained new matter from the previous amendments, and that there was no rejection per se over the specification as filed. No claims were discussed, and the undersigned agreed to address the Examiner's concerns over new matter.

5. The application is now in condition for allowance. Applicants request the Examiner to enter the amendment and to allow Claims 1-12 of the present application.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. W. Okey", written over a horizontal line.

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Appendix A